



Council of the European Union
General Secretariat

Brussels, 14 February 2025

**Interinstitutional files:
2013/0072 (COD)**

WK 1645/2025 ADD 8

LIMITE

**AVIATION
CONSUM
CODEC**

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Aviation

N° prev. doc.:	WK 9/25
N° Cion doc.:	ST 7615 2013 INIT

Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air – Comments from Finland on the Presidency non-paper (Less Contentious Issues)
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Delegations will find, in Annex, comments from Finland on less contentious issues.

Air passenger rights, Some written comments from FI on “less contentious issues”

- First of all, there are many important matters listed as “less contentious” in the working paper WK 9/2025. It will be important to discuss also these listed matters in more detail once we have the presidency compromise text covering also these matters. Therefore, these comments are preliminary, and we will provide further comments after reviewing the upcoming compromise text.

Enforcement, sanctioning; Complaint and claim handling; Out-of-court dispute resolution

- The deadline for submitting complaints to airlines would be a good clarification, to ensure coherence, instead of varying practices at the moment. The contact details of the airlines are also important in this regard. The deadline for submitting complaints should be subject to passengers being informed of their rights.
- Enforcement should not be considered to be equal to handling individual complaints. Rectifying past incidents case by case should not even be in such a big role as it is now. Contentious provisions have contributed to this development. NEBs should not be required to handle individual complaints.
- Where the complaints are designated in a MS to be handled by a body that is also an alternative dispute resolution body within the meaning of Directive 2013/11/EU, provisions on procedure or deadlines concerning complaint handling should not divert from the provisions of the said directive. We support the addition of the 2015 LV compromise text, according to which the Member States may decide to apply the provision on designating out-of-court dispute resolution bodies to disputes between air carriers and consumers only.
- We do not support Article 16b paragraph 5 of the 2013 COM proposal according to which at the request of the KOM the NEBs would have to investigate specific practice, at least not in the form of the 2013 proposal. The commission should not limit the discretion of national authorities in how they allocate their resources and how they prioritise issues. In countries where the national authority has wide competence in consumer-related matters, the prioritisation of one issue will lead to problems for the fulfilment of the authority's other obligations.
- We also think that the provisions on reporting obligation [2013 KOM proposal 2013 Art 16(5)] need to be reviewed, at least they seem too frequent (annually). Unnecessary administrative burden should be avoided.

Tarmac delay

- 5 hours before passengers are allowed to disembark does seem too long. At some points in the negotiations this was changed to three, which seems more reasonable.

Rerouting

- We are not entirely sure how re-routing obligation works when it comes to PRM and accompanying persons, as the Article 3(3) of the regulation 261 states that the regulation does not apply to passengers travelling free of charge or at a reduced fare not available directly or indirectly to the public, and the Article 3 (4) of the regulation 1107 only applies to cases of denied boarding? In a case of a need for re-routing, it should be ensured that the accompanying person stays together with the person needing assistance.

- It would be useful to clarify when the carrier can/must use competitors services in rerouting, but we need to re-examine whether the 12 hours proposed in 2013 is a justifiable time. It is a long time for a passenger.

Limit to assistance (CAP on accommodation)

- We need to re-examine the provision of the 2013 proposal on limiting the total costs of accommodation to 100€. 100€ is too low and we need to consider whether the CAP in euros is even justifiable considering the varying prices of accommodation.

Liability for Baggage including mobility equipment of PRM

- Currently the loss or damage of mobility equipment equates with the provisions of the Montreal Convention in cases of lost or damaged baggage. There is no specific reference to devices and aids for PRM passengers, and the compensations are at times inadequate compared to the value of such devices and aids. We see that as in other modes of transport, fully compensating the loss or damage of the PRM equipment, should be considered during the negotiations of air passenger rights.